

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

In re:

**Maryann G Behrendt
aka Maryann Behrendt**

Chapter: 13

CASE No: 8-19-71033-las

Debtor.

OBJECTION TO LOSS MITIGATION REQUEST

I, Aleksandra K. Fugate, Esq., attorney for Wells Fargo Bank, N.A. ("Secured Creditor"), affirms under penalty of perjury as follows:

1. This Objection is submitted in response to the Loss Mitigation Request by Maryann G Behrendt aka Maryann Behrendt ("Debtor") and certificate of service filed on February 28, 2019.
2. Debtor is currently 10 payments delinquent and the loan is currently due for the June 1, 2018 payment.
3. Debtor has a current interest rate of 4.375% with a maturity date of March 1, 2050.
4. The Secured Creditor has attempted multiple times to work with the Debtor in regards to the default and has completed prior reviews.
5. Debtor entered loss mitigation and was approved for a Loan Modification on April 6, 2017. Income used at that time of the review was \$6,827.33
6. Debtor entered loss mitigation and was removed from review on September 24, 2018 as Debtor had the ability to make current payment. Income used at that time of the review was \$6,704.47.

7. According to the Debtor's Voluntary Petition, she indicated an income of \$6,140.61.

While that is a slight decrease from the income used in prior reviews, the Housing to income ratio is still roughly 36%, which is below the target ratio of 38%, showing that the loan is still at affordability.

8. Given the history of the loan and the prior modification and review, the Secured Creditor requests an Order not be entered and the Request for Loss Mitigation be denied.

Dated: March 12, 2019

/s/ Aleksandra K. Fugate, Esq.

Aleksandra K. Fugate, Esq.

WOODS, OVIATT, GILMAN LLP

Attorneys for Secured Creditor

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EASTERN DISTRICT OF NEW YORK

IN RE:

MARYANN G BEHRENDT
AKA MARYANN BEHRENDT
DEBTOR.

CASE NO: 8-19-71033-las

AFFIDAVIT OF
SERVICE BY MAIL

I, Josh MacDonald, being duly sworn, deposes and says: Deponent is not a party to this action, is over 18 years of age, and resides in Rochester, New York. On March 12, 2019 deponent served an Objection to Loss Mitigation Request upon:

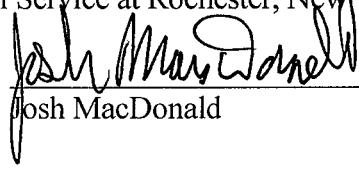
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Maryann G Behrendt
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Marianne DeRosa, Esq.
Standing Chapter 13 Trustee
125 Jericho Tpke
Suite 105
Jericho, NY 11753

United States Trustee
Long Island Federal Courthouse
560 Federal Plaza - Room 560
Central Islip, NY 11722-4437

By deposit a true copy, in a postpaid properly addressed envelope, in a post office box under the exclusive care and custody of the United States Postal Service at Rochester, New York


Josh MacDonald

Sworn to before me this
12th day of March, 2019


Notary Public

